



General Assembly

January Session, 2009

***Raised Bill No. 662***

LCO No. 2506

\*02506\_\_\_\_ENV\*

Referred to Committee on Environment

Introduced by:  
(ENV)

***AN ACT EXPANDING THE BEVERAGE CONTAINER REDEMPTION PROVISIONS TO INCLUDE WATER BOTTLES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 22a-243 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2009*):

3 For purposes of sections 22a-243 to 22a-245a, inclusive, as amended  
4 by this act:

5 (1) ["Beverage"] "Carbonated beverage" means beer or other malt  
6 beverages, [and mineral waters,] soda water and similar carbonated  
7 soft drinks in liquid form and intended for human consumption;

8 (2) "Noncarbonated beverage" means water, including mineral  
9 water, flavored water, nutritionally enhanced water and any beverage  
10 that is identified through the use of letters, words or symbols on such  
11 beverage's product label as a type of water, but excluding juice;

12 [(2)] (3) "Beverage container" means the individual, separate, sealed  
13 glass, [metal] aluminum or polyethylene terephthalate plastic bottle,  
14 can, jar or carton (A) two liters or less in size if containing a carbonated

15 beverage, and (B) twenty ounces or less in size if containing a  
16 noncarbonated beverage;

17 [(3)] (4) "Consumer" means every person who purchases a beverage  
18 in a beverage container for use or consumption;

19 [(4)] (5) "Dealer" means every person who engages in the sale of  
20 beverages in beverage containers to a consumer;

21 [(5)] (6) "Distributor" means every person who engages in the sale of  
22 beverages in beverage containers to a dealer in this state including any  
23 manufacturer who engages in such sale and includes a dealer who  
24 engages in the sale of beverages in beverage containers on which no  
25 deposit has been collected prior to retail sale;

26 [(6)] (7) "Manufacturer" means every person bottling, canning or  
27 otherwise filling beverage containers for sale to distributors or dealers  
28 or, in the case of private label brands, the owner of the private label  
29 trademark, except "manufacturer" does not include any person who  
30 bottles and sells two hundred fifty thousand or fewer beverage  
31 containers of water each calendar year where such containers are  
32 twenty ounces or less in size;

33 [(7)] (8) "Place of business of a dealer" means the fixed location at  
34 which a dealer sells or offers for sale beverages in beverage containers  
35 to consumers;

36 [(8)] (9) "Redemption center" means any facility established to  
37 redeem empty beverage containers from consumers or to collect and  
38 sort empty beverage containers from dealers and to prepare such  
39 containers for redemption by the appropriate distributors;

40 (10) "Restaurant" means a business that has the sole purpose of  
41 preparing and selling food and beverages intended for individual  
42 portion service and includes the site at which individual portions are  
43 sold, regardless of whether the consumption of food or beverage  
44 occurs on or off of such site;

45       [(9)] (11) "Use or consumption" includes the exercise of any right or  
46       power over a beverage incident to the ownership thereof, other than  
47       the sale or the keeping or retention of a beverage for the purposes of  
48       sale;

49       [(10)] (12) "Nonrefillable beverage container" means a beverage  
50       container which is not designed to be refilled and reused in its original  
51       shape; [and]

52       [(11)] (13) "Deposit initiator" means the first distributor to collect the  
53       deposit on a beverage container sold to any person within this state;

54       (14) "Reverse vending machine" means an automated device that  
55       accepts beverage containers from redeemers and issues scrip for any  
56       beverage container refund value by using a laser scanner,  
57       microprocessor or other technology to recognize the Universal Product  
58       Code (UPC) or other accepted industry barcode on beverage  
59       containers to determine whether the container is redeemable, and that  
60       accumulates information regarding containers redeemed; and

61       (15) "Off-site redemption center" means a redemption center that is  
62       located within a one-mile radius of a dealer, and that accepts beverage  
63       containers of the kind, size and brand sold by such dealer at the  
64       dealer's place of business.

65       Sec. 2. Section 22a-244 of the general statutes is repealed and the  
66       following is substituted in lieu thereof (*Effective October 1, 2009*):

67       (a) Every beverage container sold or offered for sale in this state,  
68       except beverage containers sold or offered for sale for consumption on  
69       an interstate passenger carrier, shall have a refund value. Such refund  
70       value shall not be less than [five] ten cents and shall be a uniform  
71       amount throughout the distribution process in this state.

72       (b) Every beverage container sold or offered for sale in this state,  
73       except beverage containers sold or offered for sale for consumption on  
74       an interstate passenger carrier, shall clearly indicate by embossing or

75 by a stamp or by a label or other method securely affixed to the  
76 beverage container (1) either the refund value of the container or the  
77 words "return for deposit" or "return for refund" or other words as  
78 approved by the Department of Environmental Protection and (2)  
79 either the word "Connecticut" or the abbreviation "Ct.", provided this  
80 subdivision shall not apply to glass beverage containers permanently  
81 marked or embossed with a brand name.

82 (c) No person shall sell or offer for sale in this state any metal  
83 beverage container (1) a part of which is designed to be detached in  
84 order to open such container, or (2) that is connected to another  
85 beverage container by a device constructed of a material which does  
86 not decompose by photodegradation, chemical degradation or  
87 biodegradation within a reasonable time after exposure to the  
88 elements.

89 Sec. 3. Section 22a-245 of the general statutes is repealed and the  
90 following is substituted in lieu thereof (*Effective October 1, 2009*):

91 (a) No person shall establish a redemption center without  
92 registering with the commissioner on a form provided by the  
93 commissioner with such information as the commissioner deems  
94 necessary including (1) the name of the business principals of the  
95 redemption center and the address of the business; (2) the name and  
96 address of the sponsors and dealers to be served by the redemption  
97 center; (3) the types of beverage containers to be accepted; (4) the hours  
98 of operation; and (5) whether beverage containers will be accepted  
99 from consumers. The operator of the redemption center shall report  
100 any change in procedure to the commissioner within forty-eight hours  
101 of such change. Any person establishing a redemption center shall  
102 have the right to determine what kind, size and brand of beverage  
103 container shall be accepted. Any redemption center may be established  
104 to serve all persons or to serve certain specified dealers.

105 (b) A dealer shall not refuse to accept at such dealer's place of  
106 business, from any person any empty beverage containers of the kind,

107 size and brand sold by the dealer, or refuse to pay to such person the  
 108 refund value of a beverage container [as established by subsection (a)  
 109 of section 22a-244] unless (1) such container contains materials which  
 110 are foreign to the normal contents of the container; [or unless] (2) such  
 111 container is not labeled in accordance with subsection (b) of section  
 112 22a-244, as amended by this act; [or unless] (3) such dealer sponsors,  
 113 solely or with others, a redemption center which is located within a  
 114 one-mile radius of such place of business and which accepts beverage  
 115 containers of the kind, size and brand sold by such dealer at such place  
 116 of business; or [unless] (4) there is established by others, a redemption  
 117 center which is located within a one-mile radius of such place of  
 118 business and which accepts beverage containers of the kind, size and  
 119 brand sold by such dealer at such place of business. A dealer that is a  
 120 restaurant shall not be required to redeem any beverage container, the  
 121 contents of which were not consumed on the premises of such  
 122 restaurant. A dealer who sponsors an off-site redemption center shall  
 123 post in a conspicuous location, within ten feet of the entrances and  
 124 exits of such dealer's place of business, a notice stating the name,  
 125 location, hours of operation and telephone number of the off-site  
 126 redemption center. A dealer shall redeem an empty container of a  
 127 kind, size or brand the sale of which has been discontinued by such  
 128 dealer for not less than sixty days after the last sale by the dealer of  
 129 such kind, size or brand of beverage container. Sixty days before such  
 130 date, the dealer shall post, at the point of sale, notice of the last date on  
 131 which the discontinued kind, size or brand of beverage container shall  
 132 be redeemed.

133 (c) Any dealer operating a place of business of not less than seventy-  
 134 five thousand square feet in size shall certify to the Department of  
 135 Environmental Protection that its beverage container redemption  
 136 capacity equals or exceeds seventy per cent of its sales capacity of  
 137 redeemable beverage containers. On or after October 1, 2009, any  
 138 dealer that establishes or significantly expands its place of business or  
 139 redemption center, excluding an off-site redemption center, shall locate  
 140 such redemption center not more than two hundred feet from the

141 business' main entrance. Any dealer with a redemption center other  
142 than an off-site redemption center established prior to October 1, 2009,  
143 where such redemption facility is located more than two hundred feet  
144 from the business' main entrance shall post notices stating the location  
145 of such redemption center not more than ten feet from the business'  
146 entrances and exits.

147     ~~[(c)]~~ (d) A distributor shall not refuse to accept from a dealer or from  
148 an operator of a redemption center, located and operated exclusively  
149 within the territory of the distributor or whose operator certifies to the  
150 distributor that redeemed containers were from a dealer located within  
151 such territory, any empty beverage containers of the kind, size and  
152 brand sold by the distributor, or refuse to pay to such dealer or  
153 redemption center operator the refund value of a beverage container  
154 [as established by subsection (a) of section 22a-244] unless such  
155 container contains materials which are foreign to the normal contents  
156 of the container or unless such container is not labeled in accordance  
157 with subsection (b) of section 22a-244, as amended by this act. A  
158 distributor shall remove any empty beverage container from the  
159 premises of a dealer serviced by the distributor or from the premises of  
160 a redemption center sponsored by dealers serviced by the distributor,  
161 provided such premises are located within the territory of the  
162 distributor. The distributor or manufacturer shall pay the refund value  
163 to dealers in accordance with the schedule for payment by the dealer  
164 to the distributor for full beverage containers and shall pay such  
165 refund value to operators of redemption centers not more than twenty  
166 days after receipt of the empty container unless such refund value has  
167 already been paid by the manufacturer. For the purposes of this  
168 subsection, a redemption center shall be considered to be sponsored by  
169 a dealer if (1) the dealer refuses to redeem beverage containers and  
170 refers consumers to the redemption center, or (2) there is an agreement  
171 between the dealer and the operator of the redemption center  
172 requiring the redemption center to remove empty beverage containers  
173 from the premises of the dealer. A distributor shall redeem an empty  
174 container of a kind, size or brand of beverage container the sale of

175 which has been discontinued by the distributor for not less than one  
 176 hundred fifty days after the last delivery of such kind, size or brand of  
 177 beverage container. Not less than one hundred twenty days before the  
 178 last date such containers may be redeemed, the distributor shall notify  
 179 such dealer who bought the discontinued kind, size or brand of  
 180 beverage container that such distributor shall not redeem an empty  
 181 beverage container of such kind, size or brand of beverage containers.

182 (e) A redemption center or dealer that uses reverse vending  
 183 machines to redeem beverage containers shall use only a reverse  
 184 vending accounting system that has been subjected to an agreed upon  
 185 procedures review by an independent certified public accountant  
 186 during the preceding twelve months.

187 ~~[(d)]~~ (f) In addition to the refund value of a beverage container, [as  
 188 provided in subsection (a) of section 22a-244,] a distributor shall pay to  
 189 any dealer or operator of a redemption center a handling fee of at least  
 190 [one and one-half cents for each container of beer or other malt  
 191 beverage and two] three cents for each beverage container [of mineral  
 192 waters, soda water and similar carbonated soft drinks] returned for  
 193 redemption. A distributor shall not be required to pay to a  
 194 manufacturer the refund value of a nonrefillable beverage container.

195 ~~[(e)]~~ (g) (1) The Commissioner of Environmental Protection shall  
 196 adopt regulations, in accordance with the provisions of chapter 54, to  
 197 implement the provisions of sections 22a-243 to 22a-245a, inclusive, as  
 198 amended by this act. Such regulations shall include, but not be limited  
 199 to, provisions for the redemption of beverage containers dispensed  
 200 through automatic vending machines, the use of vending machines  
 201 that dispense cash to consumers for redemption of beverage  
 202 containers, scheduling for redemption by dealers and distributors and  
 203 for exemptions or modifications to the labeling requirement of section  
 204 22a-244, as amended by this act.

205 (2) The regulations adopted pursuant to subdivision (1) of this  
 206 subsection shall also include provisions creating a prescribed

207 accounting system for the reimbursement of the refund value for a  
 208 redeemed beverage container. The commissioner shall adopt written  
 209 policies and procedures to implement the provisions creating such  
 210 prescribed accounting system while in the process of adopting such  
 211 policies and procedures in regulation form, and the commissioner shall  
 212 print a notice of intention to adopt the regulations in the Connecticut  
 213 Law Journal not later than twenty days prior to implementing such  
 214 policies and procedures. The commissioner shall submit final  
 215 regulations to implement such policies and procedures to the  
 216 legislative regulation review committee not later than May 1, 2009,  
 217 unless a later date is approved by a majority vote of the members  
 218 present of said committee. Policies and procedures implemented  
 219 pursuant to this subdivision shall be valid until (A) May 1, 2009, or, if  
 220 applicable, the later date approved by said committee pursuant to this  
 221 subdivision, or (B) the time that the proposed final regulations are  
 222 adopted or disapproved by said committee, whichever is earlier.

223 (h) For the purposes of this section, "refund value" means the refund  
 224 value established by subsection (a) of section 22a-244, as amended by  
 225 this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2009	22a-243
Sec. 2	October 1, 2009	22a-244
Sec. 3	October 1, 2009	22a-245

**Statement of Purpose:**

To expand the beverage container redemption provisions to include water bottles, to raise the refund value of beverage containers to ten cents, to require dealers to provide certain information to distributors, to require redemption centers established or significantly expanded on or after October 1, 2009, to locate such center near the main entrance of the business, and to raise the handling fee for redemption centers to three cents for all beverage containers.



*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*